



THE COMMONWEALTH OF MASSACHUSETTS
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March 29, 2002

Sent via e-mail, hand-delivery and/or U.S. mail

Mary Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

re: DTE 01-34, Verizon's Special Access Services

Dear Secretary Cottrell,

The Attorney General files this letter in support of AT&T's Opposition to Verizon New England, Inc. d/b/a Verizon Massachusetts' ("Verizon" or "the Company") Proposed Delay of Hearings in this matter. The Department of Telecommunications and Energy ("Department") should maintain the scheduled hearing dates of April 29 to May 1, 2002, and should reject Verizon's latest continuance request to delay the hearings until May 28.¹

Verizon's vague justification for a continuance (i.e., witnesses are meeting other "region-wide responsibilities") does not satisfy the Department's "good cause" standard for a month-long delay. *See* 220 C.M.R. § 1.06(5)(e) ("For good cause shown, the Commission or the presiding officer may grant a continuance"). Vague statements about unavailability of personnel, complexity, or the strain on

¹ Verizon repeatedly has caused the Department to revise the procedural schedule in this docket. *See, e.g.*, Hearing Officer rulings dated May 7, 2001 (Hearing Officer grants Verizon extension of time to file its Special Access Services Report), November 26, 2001 (Hearing Officer suspends the procedural schedule for CLEC prefiled testimony because Verizon will not file its discovery responses prior to November 29, 2001,) December 27, 2001 (Hearing Officer reschedules CLEC prefiled testimony again due to Verizon's delay in filing discovery responses), January 10, 2001 (Hearing Officer revises evidentiary hearing dates to March 27-29 due to Verizon delay), March 6, 2002 (Hearing Officer denies Verizon request for extension of time for lack of good cause, and revises procedural schedule to avoid prejudice to parties). "Indeed, the Department has had to amend the procedural schedule several times to accommodate Verizon's late-filed discovery responses." Hearing Officer Ruling, March 6, 2002.

D.T.E. 01-34

Verizon's resources are not "good cause" for a lengthy continuance. *Verizon's Unbundled Network Elements*, DTE 01-20, Hearing Officer Ruling re: Verizon's Overdue Record Request Responses (February 25, 2002), pp. 3-4. Furthermore, continuing the hearings until the end of May will delay briefing and resolution of the underlying issues, which may hinder the business interests of the consumers of the Commonwealth who rely on Verizon's special access services provisioning performance.

In addition, the Attorney General urges the Department to order Verizon to begin reporting immediately its Massachusetts intrastate and interstate special access service provisioning results. Verizon must report this information already to the New York Public Service Commission and the New Hampshire Public Utility Commission, so adding Massachusetts should not be overly burdensome. These reports may also help the parties and the Department to focus on specific aspects of provisioning prior to hearings. Consequently, the Department can reduce hearing time by allowing parties access to this information as expediently as possible.

For these reasons, the Attorney General urges the Department to reject Verizon's request to delay the hearings and to order Verizon to report immediately its intrastate and interstate special access service provisioning information as is currently done in New York and New Hampshire.

Sincerely,

Karlen J. Reed
Assistant Attorney General
Utilities Division

KJR/kr

cc: Joan Foster Evans, Hearing Officer
DTE 01-34 service list

**THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Investigation by the Department of Telecommunications and Energy on)	
its own motion pursuant to G.L. c. 159, §§ 12 and 16, into Verizon New)	
England Inc. d/b/a Verizon Massachusetts' provision of Special Access)	D.T.E. 01-34
Services.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding by either hand delivery, mail, and/or e-mail.

Dated at Boston this 29th day of March 2002.

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